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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/621,384	07/21/2000	Youn-Man Lee	P2014	4446
33942	7590	06/17/2004	EXAMINER	
CHA & REITER, LLC 210 ROUTE 4 EAST STE 103 PARAMUS, NJ 07652			MEHRPOUR, NAGHMEH	
			ART UNIT	PAPER NUMBER
			2686	16

DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/621,384

Applicant(s)

YOUN-MAN LEE

Examiner

Naghmeh Mehrpour

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/31/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-6**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Son et al.

(US Patent Number 6,278,887 B1) in view of Spitaletta et al. (US Patent Number 6,278,887 B1).

Regarding **Claim 1**, Son teaches a battery saving method of controlling the display of a portable telephone having an answer key and a display is configured to be supplied with power (col 4 lines 32-38), comprising the steps of

checking whether (col 7 lines 38-41) a user of the telephone activates the answer key to originate a call from the telephone, in response to an incoming call (col 8 lines 34-40);

deactivating the power supplied to the display in response to the call being **placed** from the telephone due to the activation of the answer key (col 8 lines 34-40). Son does not mention specifically that Send key is for originating to establish a call in response to the incoming call. However Spitaletta teaches that Send key is the key for originating to establish a call in response to the incoming call (col 3 lines 39-40, col 7 lines 35-43). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Spitaletta with Son, in order to monitor the remaining time of the calling time and disabling the cellular phone when the calling time has expired.

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Regarding **Claim 2**, Son teaches a battery saving method further comprising the step of deactivating the power supplied to the display after the expiration of a predetermined time period if the SEND key is activated (col 6 lines 11-20).

Regarding **Claim 3**, Son teaches a method for saving battery lifetime by controlling the power supplied to the display unit of portable telephone, the display unit being configured to be supplied with power, the method (col 4 lines 32-38) comprising the step of :

(a) determining whether an originating party has used the telephone to request a call connection **to place a call** of a portable telephone having a answer key and a display configured to be supplied with power (col 8 lines 35-47);

(b) deactivating the power supplied to the display based on a determining in step (a) that the originating party has requested the call connection to the terminating party (col 6 lines 38-41, lines 45-55). Son does not mention specifically that Send key is for originating to establish a call in response to the incoming call. However Spitaletta teaches that Send key is the key for originating to establish a call in response to the incoming call (col 3 lines 39-40, col 7 lines 35-43). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Spitaletta with Son, in order to monitor the remaining time of the calling time and disabling the cellular phone when the calling time has expired.

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Regarding **Claims 4**, Son teaches a method further comprising the step of deactivating the power supplied to the display after the expiration of a predetermined time period if the request to establish the call connection is made (col 6 lines 10-19).

Regarding **Claim 5**, Son teaches a method wherein the deactivating step comprises the step of turning off a back light and a liquid crystal display (LCD) (col 6 lines 12-14), the method further comprising the step of turning on the LCD after the call has ended (col 6 lines 47-57).

Regarding **Claim 6**, Son teaches a method further comprising the step of after powering on the telephone turning on the LCD and turning off the back light (col 6 lines 10-19).

Response to Arguments

3. Applicant's arguments filed 03/31/04 have been fully considered but they are not persuasive.

In response to the applicant's argument that "*Son does not check whether a user of the telephone activates the Send key to place a call from the telephone as explicitly required by the language of present application as recited in claim, and nowhere does Son disclose or suggest deactivation of the power to the display of a telephone in response to initiating or placing a call from that telephone.*"

Examiner disagrees with the applicant, Son detect the incoming call, and then activates the SEND key. Detecting the incoming call and activating the Send key (timer is reset). Another word, Son's system has to be able to check if the Send key is pressed, in order to reset the timer,

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then after the timer T1 is expired, Son deactivates the power supply to the display in response to the originating call from the telephone. If the call is not originated, the timer never resets and the deactivation of the power supply to the display never occurs. Therefore, similar to the present application, Son does check whether a user of the telephone activates the SEND key to originate a call from the telephone, and deactivates the power supplied to the display in response to the call being originated from the telephone due to the activation of the SEND key.

In response to the applicant's argument that *Son fails to teach deactivation of the power supplied to the display in response to the call being originated from the telephone due to the activation of the SEND key*".

In response to the applicant's argument that Son does not disclose step of checking whether a use of the telephone activates the SEND key to place a call is entered for the purpose of saving battery power consumption by controlling the display during a call connection, as in the subject of invention.

The Examiner states that Son does teach the LCD back light feature, the keypad back light is activated if a keystroke is entered while the time is within the predefined time period or window as illustrated by steps 306, 308, and 310 (see figure 6). Note also that the keypad back light can be similarly activated if the time is within the predefined window upon receipt of an incoming call. This feature may be omitted as most users do not access the keypad to accept the call other than where a keystroke is required to answer the call (e.g., by depressing the "send" key) (col 8 lines 1-10). Son further teaches a timer triggered on voice mail keystrokes may be implemented as being longer than a timer triggered on regular keypad keystrokes. Similarly, depression of a "send" button may trigger a shorter timer, as the "send" button is oftentimes the

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last button entered in placing or accepting a call. In other words, after the "send" button is pressed, in most scenarios, the user is not viewing the display or using the keypad, but immediately begins speaking on the handset (col 8 lines 34-47). Similarly, other time periods can be chosen for other keys, other sections of the keypad, or different time periods can be chosen based on the application being accessed by the device. This allows flexibility in establishing timeout periods to optimize the power-down features based on anticipated user habits (col 8 lines 42-48). Son does not mention specifically that Send key is for originating to establish a call in response to the incoming call. However Spitaletta teaches that Send key is the key for originating to establish a call in response to the incoming call (Col 3 lines 39-40, col 7 lines 35-43). *Therefore, Son modified by Spitaletta does teach deactivation of the power supplied to the display in response to the call being originated from the telephone due to the activation of the SEND key.*

In response to the applicant's argument that there is no discussion of the user "originating a phone call from that telephone".

Examiner emphasizes that "*originating a call from a telephone*" is an ordinary action, and usually any cellular phone is able to originate a call from the telephone by pressing a send key or an answer key from a cellular phone. The Examiner does not see any novelty by originating a call from the telephone, in addition; Son does inherently teach the originating a call from the telephone.

In response to the applicant's argument that Son does not disclose step of checking whether a use of the telephone activates the SEND key to place a call is entered for the purpose of saving battery power consumption by controlling the display during a call connection, as in the

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subject of invention, the Examiner states that Son does teach the LCD back light feature, the keypad back light is activated if a keystroke is entered while the time is within the predefined time period or window as illustrated by steps 306, 308, and 310. Note also that the keypad back light can be similarly activated if the time is within the predefined window upon receipt of an incoming call. This feature may be omitted as most users do not access the keypad to accept the call other than where a keystroke is required to answer the call (e.g., by depressing the "send" key) (col 8 lines 1-10). Son further teaches a timer triggered on voice mail keystrokes may be implemented as being longer than a timer triggered on regular keypad keystrokes. Similarly, depression of a "send" button may trigger a shorter timer, as the "send" button is oftentimes the last button entered in placing or accepting a call. In other words, after the "send" button is pressed, in most scenarios, the user is not viewing the display or using the keypad, but immediately begins speaking on the handset (col 8 lines 34-47). Similarly, other time periods can be chosen for other keys, other sections of the keypad, or different time periods can be chosen based on the application being accessed by the device. This allows flexibility in establishing timeout periods to optimize the power-down features based on anticipated user habits 9col 8 lines 42-48). Therefore, Son does detect the incoming call and presses the originating key, and after predetermined time the display light is turned off for the purpose of saving power consumption.

In response to applicant's argument that *Spitaletta fails to disclose deactivating the telephones display power in response to call origination from that telephone*, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly

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suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). In this instance Son teaches a battery saving method of controlling the display of a portable telephone having a answer key and a display configured to be supplied with power (col 4 lines 32-38), comprising the steps of checking whether a use r of the telephone activates the answer key to originate a call from the telephone, in response to an incoming call (col 7 lines 38-41, 49-53); deactivating the power supplied to the display in response to the call being originated from the telephone due to the activation of the answer key (col 6 lines 11-20, col 7 lines 45-55). Spitaletta teaches that the Send key is the key for originating to establish a call in response to the incoming call (Col 3 lines 39-40, col 7 lines 35-43). Therefore, the combination more than adequately provides supports for the claimed limitation.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any responses to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 872-9306, (for formal communications indented for entry)

Or:

(703) 308-6306, (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II. 2121 Crystal Drive, Arlington. Va., sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Melody Mehrpour whose telephone number is (703) 308-7159. The

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examiner can normally be reached on Monday through Thursday (first week of bi-week) and Monday through Friday (second week of bi-week) from 6:30 a.m. to 5:00 p.m.

If attempt to reach the examiner are unsuccessful the examiner's supervisor, Marsha Banks-Harold be reached (703) 305-4379.

NM

June 13, 2004



**CHARLES APPIAH
PRIMARY EXAMINER**